



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

May 11, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#49 MAY 11, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

QUITCLAIM OF BUILDING RESTRICTION 31310 BROAD BEACH ROAD CITY OF MALIBU (SUPERVISORIAL DISTRICT 3) (3 VOTES)

SUBJECT

This action will allow the County of Los Angeles to quitclaim its right to restrict the erection of buildings and/or other structures on the property located at 31310 Broad Beach Road, in the City of Malibu, to the underlying fee owner, Richard Henick, Trustee of the BB309 Trust dated October 14, 2005.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this transaction is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the County's right to restrict the erection of buildings and/or other structures on the property located at 31310 Broad Beach Road, in the City of Malibu, is no longer required for present and prospective County use.
3. Authorize the quitclaim of the County's right and interest to the underlying fee owner, Richard Henick, Trustee of the BB309 Trust dated October 14, 2005.
4. Instruct the Chair of the Board of Supervisors to sign the Quitclaim of Restriction document and authorize delivery to the Grantee.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to find that the project is exempt from the California Environmental Quality Act (CEQA) and allow the County of Los Angeles (County) to quitclaim its right to restrict the erection of buildings and/or other structures (Building Restriction) on the property located at 31310 Broad Beach Road, in the City of Malibu, to the underlying fee owner, Richard Henick, Trustee of the BB309 Trust dated October 14, 2005. The Department of Public Works (Public Works) and the City of Malibu have determined and concluded that the County's Building Restriction is no longer required.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The quitclaim of the Building Restriction will reduce the County's possible future exposure to liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

A \$1,000 fee was paid by the applicant to defray the expenses of the investigation.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area of the Building Restriction to be quitclaimed contains approximately 14,200 square feet and is shown on the map attached to the enclosed Quitclaim of Restriction document.

Prior to the area being incorporated into the City of Malibu, the County's interest was acquired by Deed recorded May 6, 1988, as Document No. 88-631038, of Official Records, in the office of the County of Los Angeles Registrar-Recorder/County Clerk, and is vested with the right to restrict the erection of buildings and/or other structures.

The dedication of the Building Restriction was required as a condition of Conditional Certificate of Compliance No. 87-0465, recorded March 15, 1988, as Document No. 88 350104, of Official Records, in the office of the County of Los Angeles Registrar Recorder/County Clerk.

Mr. Richard Henick, on behalf of the BB309 Trust, requested the quitclaim of the County's right and interest within the property. The City of Malibu did not object to the quitclaim since a previous property owner had mitigated the flood hazard to the extent that the problem no longer exists. Therefore, the County's right to restrict the erection of buildings and/or other structures is now irrelevant and unnecessary.

The enclosed Quitclaim of Restriction document has been approved by County Counsel as to form and will be recorded.

ENVIRONMENTAL DOCUMENTATION

This action is categorically exempt from the provisions of the CEQA. The quitclaim of the Building Restriction is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15305 of the State CEQA Guidelines. In addition, the project is not in a sensitive environment, and there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the exemption inapplicable based on the project records.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

Please return one adopted copy of this letter and the executed original Quitclaim of Restriction document to Public Works, Survey/Mapping & Property Management Division, together with a copy of your Board's minute order. Retain the duplicate for your files.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER
Director

GF:SGS:mr

Enclosures

c: Auditor-Controller (Accounting Division - Asset
Management)
Chief Executive Office (Lari Sheehan)
County Counsel
Executive Office

ORIGINAL

RECORDING REQUESTED BY
AND MAIL TO:

Richard Henick
31310 Broad Beach Road
Malibu, CA 90265

Documentary Transfer Tax is \$ _____
() computed on full value of property conveyed, or
() computed on full value less value of liens and
encumbrances remaining at time of sale
COUNTY OF LOS ANGELES

BY _____

Space Above This Line Reserved for Recorder's Use

Assessor's Identification Number:
4470-016-036 (Portion)

QUITCLAIM OF RESTRICTION

For a valuable consideration, receipt of which is hereby acknowledged, the COUNTY OF LOS ANGELES, a body corporate and politic, does hereby remise, release, and forever quitclaim to RICHARD HENICK, Trustee of the BB309 Trust, dated October 14, 2005, all its right, title, and interest in and to that certain right to restrict erection of buildings and/or other structures, acquired by Deed recorded May 6, 1988, as Document No. 88-631038, of Official Records, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles in, over, upon, and across the real property in the City of Malibu, County of Los Angeles, State of California, described in Exhibit A and shown and delineated on Exhibit B, both of which are attached hereto and by this reference made a part hereof.

Dated May 11, 2010



COUNTY OF LOS ANGELES, a body corporate and politic

By

Gloria Molina
Chair, Board of Supervisors of the
County of Los Angeles

ATTEST:
SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By

[Signature]
Deputy

C.C. 87-0465
31310 Broad Beach Road
I.M. 114-017
S.D. 3 M0888113

OG:bw
QR CC 870465 HENICK.DOC RVSD 100709

NOTE: Acknowledgment form on reverse side.

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring the Chair's signature.

The undersigned hereby certifies that on this 11 day of May, 2010, the facsimile signature of GLORIA MOLINA, Chair of the Board of Supervisors of the COUNTY OF LOS ANGELES, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chair of the Board of Supervisors of the COUNTY OF LOS ANGELES.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



(COUNTY-SEAL)

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____

Deputy

APPROVED AS TO FORM

ANDREA SHERIDAN ORDIN
County Counsel

By _____

Deputy

APPROVED as to title and execution,

_____, 20_____
DEPARTMENT OF PUBLIC WORKS
Survey/Mapping & Property Management Division

Supervising Title Examiner

By _____

EXHIBIT A

C.C. 87-0465
31310 BROAD BEACH ROAD
A.I.N. 4470-016-036 (Por)(NEW)
4470-016-006 (OLD)
T.G. 626-J7
I.M. 114-017
R.D. City of Malibu
S.D. 3
M0888113

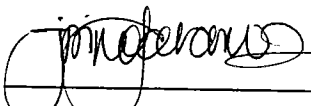
LEGAL DESCRIPTION

(Quitclaim of the right to restrict erection of buildings and/or other structures)

That portion of Rancho Topanga Malibu Sequit, as shown on map recorded in Book 1, pages 414, 415, and 416, of Patents, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, which lies within that certain parcel of land described in deed recorded on May 6, 1988, as Document No. 88-631038, of Official Records, in the office of said Registrar-Recorder/County Clerk.

EXCEPTING therefrom any portion lying within that certain parcel of land described in deed recorded on February 15, 2008, as Document No. 20080275530, of Official Records, in the office of said Registrar-Recorder/County Clerk.

Containing: 14,200± square feet

APPROVED AS TO DESCRIPTION
<u>November 2, 2009</u>
COUNTY OF LOS ANGELES
By <u></u>
SUPERVISING CADASTRAL ENGINEER III
Survey/Mapping & Property Management Division

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

NS:mr

P5:\dm0888113

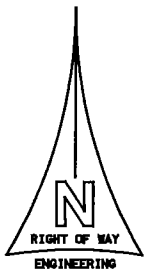
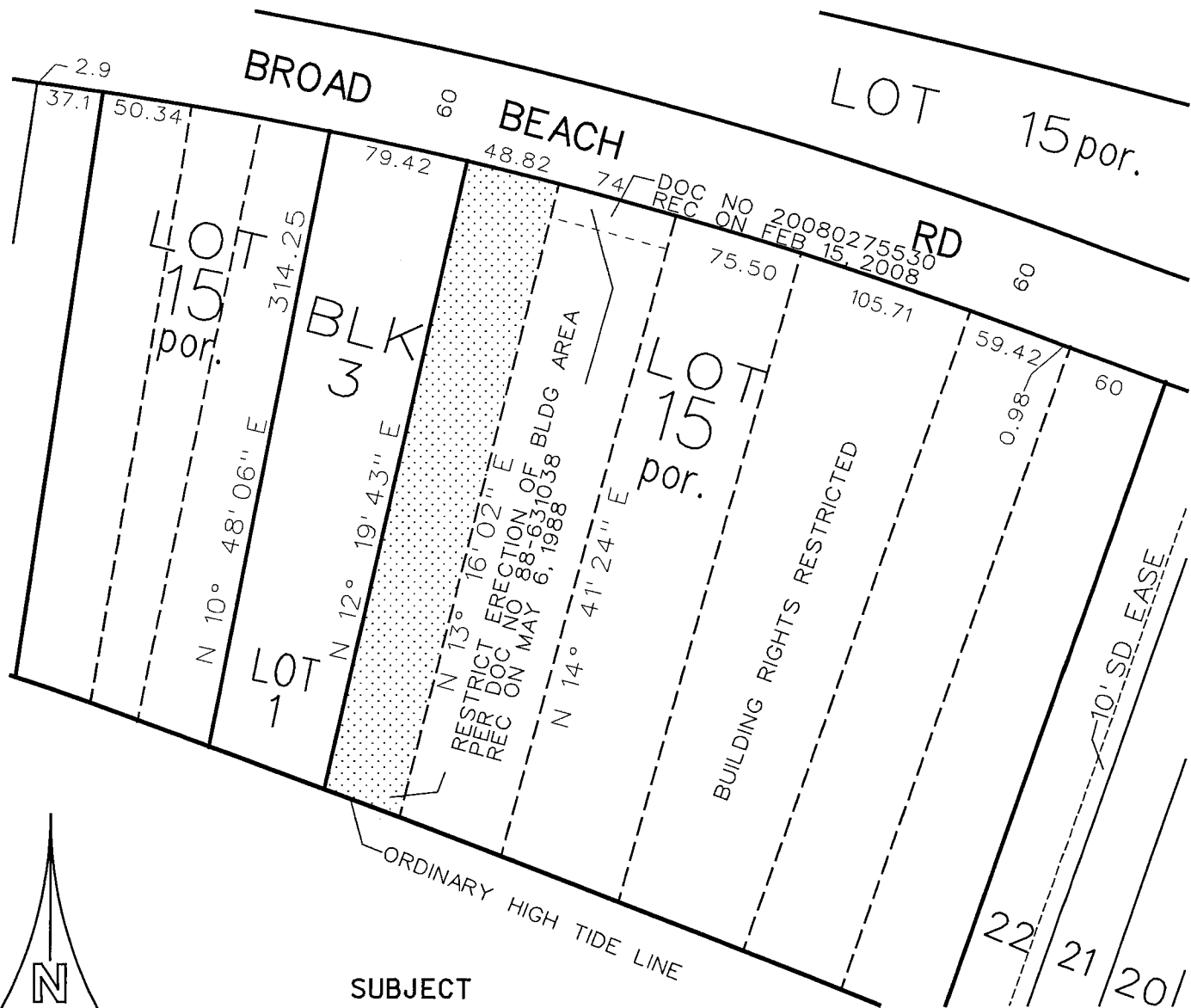
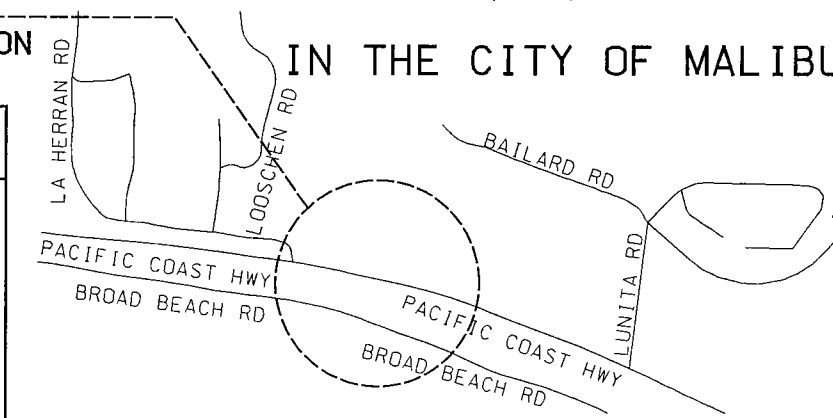
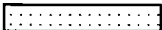


EXHIBIT B **SUBJECT LOCATION** **IN THE CITY OF MALIBU**

LEGEND

Area to be quitclaimed
Property of BB309 Trust
dated October 14, 2005
Total Area: 14,200± s.f.



REVISIONS	1. 06-18-09	2. 07-27-09	3.
-----------	-------------	-------------	----

DEPARTMENT OF PUBLIC WORKS				MAPPING & PROPERTY MANAGEMENT DIVISION	
SD. 3	RD. NONE	A.I.N. 4470-016-036	T.G. 626-J7	C.C. 87-0465 31310 BROAD BEACH RD	DRAWING NO.
SCALE NONE		DATE 03-12-08	I.M. 114-017		M0888113